

U.S. PATENT & TRADEMARK OFFICE  
OCT 27 2003

Imaco # 1761

# TRANSMITTAL SHEET AND FEE CALCULATION

Attorney Docket No.:	13282-1	First Named Inventor (a):	Clarke
Application No.:	09/858,190	Filing Date:	May 15, 2001
Examiner:	Weinstein, Stephen L.	Group Art Unit:	1761

## This Transmittal Sheet is accompanied by

Reply to Office Action mailed June 23, 2003; check for \$55.00; and an Acknowledgement Postcard.

## Fee Calculations Applicant is a Small Entity

	Applicable Fee	Fee Paid
(1) Filing fee	690/345	(\$)

### (2) Extra claim fees

	No. in Specifica- tion or after Amendment	No. Included in Filing Fee or Pre- viously Paid For	No. Extra (b)	Applicable Fee	Fee Paid
Total Claims	20	- 20 =		x 18/9 (ea)	
Independent Claims	3	- 3 =		x 78/39 (ea)	
Multiple dependent claim(s) presented for first time (c)			No	260/130	
Subtotal (2) Extra claim fees					(\$)

### (3) Additional or other fees

	Fee Paid
Extension for Reply (1, 2, 3, 4 months: 1 month	\$55.00
Surcharge for providing Declaration late (37 CFR 1.492 (e)) -- Small Entity	
Petition to Commissioner (\$130)	
Information Disclosure Statement (\$240)	
Subtotal (3) Additional or other fees	

### Total Fees

Total Fees Submitted (Sum of Subtotals (1), (2), and (3))	\$55.00
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A check for \$55.00 is attached.

This Sheet is submitted in duplicate

## Authorization to Charge Deposit Account for Fees

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees required under 37 CFR §§ 1.16 and 1.17, and credit any overpayments to, the following deposit account.

Deposit Account No: 19-2090

Deposit Account Name: Sheldon & Mak

## CERTIFICATE OF MAILING UNDER 37 CFR

### 1.8

I hereby certify that this correspondence is being deposited with United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

On October 23, 2003. Typed name of person signing this certificate: T. H. P. Richardson

Signature

Respectfully Submitted,

Name T. H. P. Richardson  
Tel. No. 650-854-6304  
Fax No. 626-795-6321  
Address Sheldon and Mak  
225 South Lake Avenue  
Suite 900  
Pasadena, CA 91101

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

To:

SHELDON & MAK  
Attn. Sheldon, Jeffrey G.  
225 South Lake Avenue, Suite 900  
Pasadena California 91101  
UNITED STATES OF AMERICA

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

*Response due 6/4/03*

Date of mailing  
(day/month/year)

04/04/2003

Applicant's or agent's file reference

13282-2 PCT

**FOR FURTHER ACTION**

See paragraphs 1 and 4 below

International application No.

PCT/US 02/ 37199

International filing date  
(day/month/year)

19/11/2002

Applicant

LANDEC CORP.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for International publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (In some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-2016

Authorized officer

Emmanuel Cherqui

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 13282-2 PCT	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, Item 5 below.	
International application No. PCT/US 02/ 37199	International filing date (day/month/year) 19/11/2002	(Earliest) Priority Date (day/month/year) 20/11/2001
Applicant  LANDEC CORP.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

### 1. Basis of the report

a. With regard to the **language**, the International search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the International search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. ---

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 02/37199

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23L3/3418 A23L3/3445 A23B7/148 A23B7/152

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23B A23L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 799 495 A (GAST JR WILLIAM A ET AL) 1 September 1998 (1998-09-01) claims 9,1; figures ---	1-24
X	WO 95 00030 A (CHIQUITA BRANDS INC) 5 January 1995 (1995-01-05) <i>= US 5 333 394</i> page 5, line 17 - line 25; claims 1,23,39-42; figures ---	1-24
X	US 5 667 827 A (BREEN DENNIS J ET AL) 16 September 1997 (1997-09-16) claims; figures ---	1,2
X	US 5 711 978 A (BREEN DENNIS J ET AL) 27 January 1998 (1998-01-27) claims; figures ---	1,2
	-/--	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*G\* document member of the same patent family

Date of the actual completion of the international search

28 March 2003

Date of mailing of the international search report

04/04/2003

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Guyon, R

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 02/37199

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 916 614 A (GORLICH MICHAEL P) 29 June 1999 (1999-06-29) column 1, line 12 - line 53 ---	1,9
X	US 3 681 092 A (YURCISIN ROBERT A ET AL) 1 August 1972 (1972-08-01) ---	1,2,9
Y	claims; figures 1,4,5 ---	3-7,11, 12,15, 16,18-24
Y	US 5 460 841 A (HERDEMAN ROBERT W) 24 October 1995 (1995-10-24) cited in the application the whole document ---	3-7,11, 12,15, 16,18-24
X	US 3 450 544 A (WILSON LORENZO GEORGE ET AL) 17 June 1969 (1969-06-17) cited in the application claims; figures ---	1
X	US 5 658 607 A (HERDEMAN ROBERT WILLIAM) 19 August 1997 (1997-08-19) ---	1-7,11, 12,15, 16,18-24
Y	the whole document	8-10,13, 17
Y	US 3 450 542 A (BADRAN ADNAN M) 17 June 1969 (1969-06-17) cited in the application the whole document ---	8-10,13, 17
A	US 2 278 571 A (SKINNER BRONSON C) 7 April 1942 (1942-04-07) the whole document ---	1-24
X	US 5 811 142 A (DEYO ALAN E ET AL) 22 September 1998 (1998-09-22) the whole document ---	1,2
X,P	US 2002/127305 A1 (CLARKE RAYMOND) 12 September 2002 (2002-09-12) the whole document ---	1-24
X,P	US 2002/090425 A1 (CLARKE RAYMOND) 11 July 2002 (2002-07-11) page Q ---	1-24
A	US 3 798 333 A (CUMMIN A ET AL) 19 March 1974 (1974-03-19) cited in the application the whole document -----	1-24



## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 02/37199

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5799495	A	01-09-1998	NONE	
WO 9500030	A	05-01-1995	US 5333394 A AT 173584 T AU 684521 B2 AU 7058494 A CA 2165466 A1 DE 69414847 D1 DE 69414847 T2 DK 703727 T3 EP 0703727 A1 ES 2126124 T3 JP 2795541 B2 JP 8508890 T WO 9500030 A1 US 5460841 A US 5658607 A	02-08-1994 15-12-1998 18-12-1997 17-01-1995 05-01-1995 07-01-1999 29-07-1999 09-08-1999 03-04-1996 16-03-1999 10-09-1998 24-09-1996 05-01-1995 24-10-1995 19-08-1997
US 5667827	A	16-09-1997	AU 694951 B2 AU 7260796 A CA 2230007 A1 EP 0855862 A1 JP 10512156 T JP 3168211 B2 NZ 319956 A WO 9714313 A1 US 5711978 A	06-08-1998 07-05-1997 24-04-1997 05-08-1998 24-11-1998 21-05-2001 28-10-1998 24-04-1997 27-01-1998
US 5711978	A	27-01-1998	US 5667827 A AU 694951 B2 AU 7260796 A CA 2230007 A1 EP 0855862 A1 JP 10512156 T JP 3168211 B2 NZ 319956 A WO 9714313 A1	16-09-1997 06-08-1998 07-05-1997 24-04-1997 05-08-1998 24-11-1998 21-05-2001 28-10-1998 24-04-1997
US 5916614	A	29-06-1999	US 5447736 A US 5348752 A US 5901848 A AT 188660 T AU 688329 B2 AU 6952094 A CA 2163230 A1 CA 2261199 A1 DE 69422620 D1 DE 69422620 T2 EP 0699157 A1 EP 0899209 A2 EP 0949147 A1 JP 8510708 T JP 2001294278 A NZ 267278 A WO 9427868 A2 US 5334405 A US 5439132 A	05-09-1995 20-09-1994 11-05-1999 15-01-2000 12-03-1998 20-12-1994 08-12-1994 08-12-1994 17-02-2000 31-05-2000 06-03-1996 03-03-1999 13-10-1999 12-11-1996 23-10-2001 24-11-1997 08-12-1994 02-08-1994 08-08-1995

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 02/37199

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 3681092	A	01-08-1972	NONE	
US 5460841	A	24-10-1995	US 5658607 A AT 173584 T AU 684521 B2 AU 7058494 A CA 2165466 A1 DE 69414847 D1 DE 69414847 T2 DK 703727 T3 EP 0703727 A1 ES 2126124 T3 JP 2795541 B2 JP 8508890 T WO 9500030 A1	19-08-1997 15-12-1998 18-12-1997 17-01-1995 05-01-1995 07-01-1999 29-07-1999 09-08-1999 03-04-1996 16-03-1999 10-09-1998 24-09-1996 05-01-1995
US 3450544	A	17-06-1969	BE 687501 A DE 1692211 A1 ES 331696 A1 GB 1106265 A IL 26461 A NL 6613353 A	28-03-1967 08-07-1971 01-08-1968 13-03-1968 19-07-1970 11-07-1967
US 5658607	A	19-08-1997	US 5460841 A AT 173584 T AU 684521 B2 AU 7058494 A CA 2165466 A1 DE 69414847 D1 DE 69414847 T2 DK 703727 T3 EP 0703727 A1 ES 2126124 T3 JP 2795541 B2 JP 8508890 T WO 9500030 A1	24-10-1995 15-12-1998 18-12-1997 17-01-1995 05-01-1995 07-01-1999 29-07-1999 09-08-1999 03-04-1996 16-03-1999 10-09-1998 24-09-1996 05-01-1995
US 3450542	A	17-06-1969	AT 277052 B BE 676664 A DE 1536338 A1 IL 25181 A LU 50513 A NL 6602171 A ,B OA 2682 A	10-12-1969 17-08-1966 10-04-1969 30-11-1969 25-04-1966 24-08-1966 15-12-1970
US 2278571	A	07-04-1942	NONE	
US 5811142	A	22-09-1998	US 5698250 A US 5948457 A US 6183790 B1 AU 725284 B2 AU 2590197 A BR 9708521 A CA 2250887 A1 DE 69715394 D1 DE 69715394 T2 EP 0892611 A1 JP 2000507453 T	16-12-1997 07-09-1999 06-02-2001 12-10-2000 22-10-1997 03-08-1999 09-10-1997 17-10-2002 09-01-2003 27-01-1999 20-06-2000

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 02/37199

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5811142	A	NZ 332106 A	28-01-2000
		WO 9736504 A1	09-10-1997
US 2002127305	A1	12-09-2002	US 2002090425 A1
			11-07-2002
US 2002090425	A1	11-07-2002	US 2002127305 A1
			12-09-2002
US 3798333	A	19-03-1974	NONE